

ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A  
NOTIFICATION OF MISSING  
REQUIREMENTS**

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Martin SCHMIDT, et al.  
Serial No: 10/516,297 ✓  
Filed: December 9, 2004  
For: METHOD AND INSTRUMENT FOR SURGICAL NAVIGATION

SIR:

Attached hereto for filing are the following papers:

Notification of Missing Requirements  
Petition for Extension of Time (5 months)  
Filing of Declaration/Declaration  
Petition Under 37 CFR §1.47(a)  
Statement of Facts with Exhibits A-1 through F-2

RECEIVED

18 JAN 2006

Legal Staff  
International Division

Our credit card payment form in the amount of \$2,290.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Docket No. 262434US2PCT

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)  
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Gregory J. Maier  
Registration No. 25,599

James D. Hamilton  
Registration No. 28,421  
Ray Cardillo  
Registration No. 40,440

Docket No. 262434US2PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Martin SCHMIDT, et al.

SERIAL NUMBER: 10/516,297

ATTN: APPLICATION BRANCH

FILING DATE: December 9, 2004

FOR: METHOD AND INSTRUMENT FOR SURGICAL NAVIGATION

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

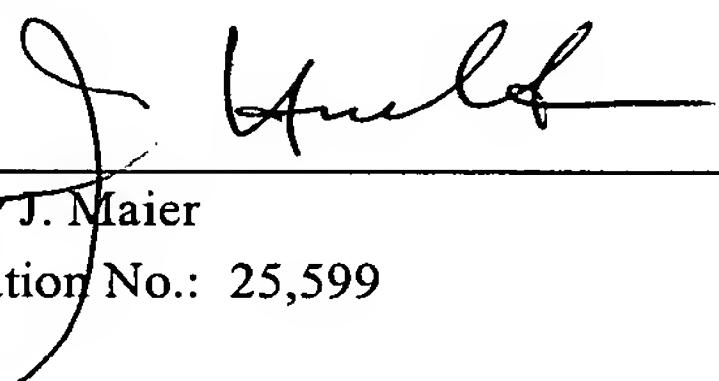
Responsive to the notification dated May 18, 2005, and in accordance with the provisions of 37 CFR 1.53(f),  
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable  
action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Gregory J. Maier  
Registration No.: 25,599

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)

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Raymond F. Cardillo, Jr.  
Registration No.: 40,440

**James D. Hamilton**  
**Registration No. 28,421**



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,297	Martin Schmidt	262434US2PCT

INTERNATIONAL APPLICATION NO.
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PCT/EP03/06130

LA. FILING DATE	PRIORITY DATE
06/11/2003	06/13/2002

22850

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
 1940 DUKE STREET  
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 8642

371 FORMALITIES LETTER



\*OC000000016047225\*

ET

Date Mailed: 05/18/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/09/2004
- Copy of the International Search Report filed on 12/09/2004
- Preliminary Amendments filed on 12/09/2004
- Information Disclosure Statements filed on 12/09/2004
- Request for Immediate Examination filed on 12/09/2004
- U.S. Basic National Fees filed on 12/09/2004
- Priority Documents filed on 12/09/2004

RECEIVED: 5-20-05  
 OBLON, SPIVAK, McCLELLAND  
 MAIER & NEUSTADT, P.C.  
**DOCKETING DEPT.**  
 Initials/Date Docketed: CXK/5-20-05  
 Type of Resp(s): DD  
 Due Date(s): 7-18-05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUN

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,297	PCT/EP03/06130	262434US2PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)